



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/927,496	08/13/2001	Jung-Wan Ko	1293.1059-CIP2D4	7491

49455 7590 09/18/2006
STEIN, MCEWEN & BUI, LLP
1400 EYE STREET, NW
SUITE 300
WASHINGTON, DC 20005

EXAMINER

NGUYEN, HUY THANH

ART UNIT PAPER NUMBER

2621

DATE MAILED: 09/18/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/927,496

Applicant(s)

KO ET AL.

Examiner

HUY T. NGUYEN

Art Unit

2621

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 05 July 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-16 and 18-26 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-16 and 18-26 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Double Patenting

1. Claims 1,12 and 22 are rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claim 11 of U.S. Patent No. 6,907,189.

Although the conflicting claims are not identical, they are not patentably distinct from each other because the difference between claims 1-26 of the present application and claim 11 of U.S. Patent No. 6,907,189 is that claims 1,12 and 22 of the present application call for a method for playing back the audio data, catalog control information and catalog information while claim 11 of U.S. Patent No. 6,907,189 call for a play back apparatus for playing the audio data, catalog control information and catalog information from a medium. However, it would have been obvious to one of ordinary skill in the art to use the play back apparatus of claim 11 of U.S. Patent No. 6,907,189 for performing the playing back method of claims 1-26 of the present application since the play back apparatus of claim 11 of U.S. Patent No. 6,907,189 comprises the means correspond to the steps of claims 1, 12 and 22 of the present application.

2. Claims 1, 2,12 and 22 are rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 1,2 and 3-5 of U.S. Patent No. 6,687,455.

Although the conflicting claims are not identical, they are not patentably distinct from each other because the difference between claims 1,2 , 12, 22 of the present application and claims 1 and 3-5 of U.S. Patent No. 6,687,455 is that claims 1, 2 and 3-5 of U.S. Patent No. 6,687,455 is that the features recited in claims 1,2, 12 and 22 of the present application are the features selected from among features recited in claims 1,2 and 3-5 of U.S. Patent No. 6,687,455. Since claims 1,3-5 of U.S. Patent No. 6,687,455. cover claims 1,2,12 and 22 of the present application , it would have been obvious to one of ordinary skill in the art to modify claims 1,2 and 3-5 of U.S. Patent No. 6,687,455 by selecting features being recited in claims 1,2 and 3-5 of U.S. Patent No. 6,687,455 to produce claims 1,2,12 and 22 of the present application.

3. Claims 1, 12 and 22 are rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 4 and 11 of U.S. Patent No. 6,707,985.

Although the conflicting claims are not identical, they are not patentably distinct from each other because the difference between claims 1, 12 and 22 of the present application and claims 4 and 11 of U.S. Patent No. 6,707,985 is that claims 1, 12 and 22 of the present application call for a playing back method for playing back the audio data, catalog control information and catalog information while claims 4 and 11 of U.S. Patent No. 6,707,985 call for a play back apparatus for playing the audio data, catalog control and catalog information from a medium . However, it would have been obvious to one of ordinary skill in the art to modify claims 4 and 11 of U.S. Patent No.

Art Unit: 2621

6,707,985 by using the apparatus of claims 4 and 11 of U.S. Patent No. 6,707,985 for performing the method claims 1,12 and 22 of the present application since the play back apparatus of claims 4 and 11 of U.S. Patent No. 6,707,985 comprises means correspond to the steps of claims 1-26 of the present application .

Allowable Subject Matter

4. Claims 3-11,13-16,18-21 and 23-25 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

5. Claim 26 allowed.


6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to HUY T. NGUYEN whose telephone number is (571) 272-7378. The examiner can normally be reached on 8:30AM -6:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James Groody can be reached on (571) 272-7950. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 2621

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

H.N


HUY NGUYEN
PRIMARY EXAMINER